

Probate Status Hearing Re: Filing Inventory & Appraisal

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	Citation		
	FTB Notice		
		Reviewed on: 11/5/2013	
		Updates:	
		Recommendation:	
		File 1 – Steele	

## Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

<b>DOD: 2/9/1996</b>		<p><b>PUBLIC ADMINISTRATOR</b> was appointed as Administrator, with full IAEA authority on 6/19/2001.</p> <p>Letters issued on 6/19/2001.</p> <p>Inventory and Appraisal filed on 8/8/2001 shows the estate valued at \$216,606.57 consisting of a default judgment of Raymond Carranza v. Joe Guerra, et al. Santa Clara County Superior Court case no. 720015 dated 8/8/1996.</p> <p>Department of Health Services filed a creditor's claim in the amount of \$7,335.22 on 9/4/01.</p> <p><b>Status Report filed on 8/20/13</b> states this case was referred to the Public Administrator by Attorney Richard Hyppa from Tracy CA. Attorney Hyppa represented the decedent in a 1992 Santa Clara County matter involving "swindle" of real property.</p> <p>On 1/27/2002, Deputy Public Administrator Nina Acosta appeared in Court for a Settlement Conference. No settlement was reached and the case was set for trial the following week. On 2/12/2002 Mr. Hyppa sent an email to the Public Administrator stating that the Judge had decided against him.</p> <p>If the judgment had been awarded, it would have been the sole asset of the estate. Therefore, the Public Administrator never had control of any other assets, and the estate remains insolvent.</p> <p>After receiving the Notice of Status Hearing, Deputy Public Administrator Noe Jimenez called Attorney Hyppa, who reported that the case was essentially lost due to the statute of limitations.</p> <p>The Public Administrator requests to have this estate dismissed and he be discharged. There were never any assets to marshal, so no accounting is required.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/27/13. Minute order states Ms. Kruthers informs the Court she will be filing a petition for dismissal and will provide notice. As of 11/5/13 no additional documents have been filed.</b></p> <ol style="list-style-type: none"> <li>1. Need proof of service of the Status Report on Department of Health Service pursuant to the Request for Special Notice filed on 8/29/2001.</li> <li>2. If the case is going to be dismissed then it should be on a noticed hearing after the filing of a petition requesting termination of proceedings for an insolvent estate.</li> </ol>
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Reviewed by: KT

Reviewed on: 11/5/13

Updates:

Recommendation:

File 2 - Carranza

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 4/29/2001</b>	<p><b>JOY J. SAEVIG</b> was appointed as Administrator with Will Annexed, with Limited IAEA authority and without bond on 11/30/2001.</p> <p>Letters issued on 11/30/2001.</p> <p>Inventory and appraisal was due on 3/30/2002.</p> <p>First account or petition for final distribution was due 11/30/2002.</p> <p>Notice of Setting Status Hearing was mailed to Attorney Roger A. Saevig on 7/25/2013.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute order 10/25/2013: No appearances. The probate examiner is directed to contact the local Probate Bar to see if anyone has taken over Roger Saevig's practice.</b> –Examiner contacted the State Bar on 10/28/13. The State Bar does not have a record of anyone taking over Mr. Saevig's practice.</p> <p>1. Need Inventory and Appraisal and First Account and/or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 090613, 101113, 102513</b>		
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		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 11/5/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 – Hendrickson</b></p>

**Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution**

<b>DOD: 10/11/04</b>		<b>MALKIA N. DILLARD</b> , daughter, was appointed Administrator with full IAEA and without bond on 11/03/06. Letters of Administration were issued on 11/03/06.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 090613, 101113</b>		<b>Notice of Status Hearing</b> filed 07/17/13 set this matter for status on 09/06/13.	<b>CONTINUED FROM 10/11/13</b> <b>As of 11/05/13, nothing further has been filed.</b> 1. Need Inventory & Appraisal.  2. Need Accounting/Report on Waiver of Account and Petition for Final Distribution.
<b>Aff.Sub.Wit.</b>		<p><b>Status Report filed 09/05/13</b> states: Estate assets were under \$43,000.00. The assets of the decedent consisted of bank accounts and an investment account which were transferred prior to the decedent's death to either joint tenancy or solely in the name of a local attorney. One of those assets involved the sale of the stock which resulted in the IRS assessing more than \$25,000.00 in taxes which was paid by said attorney from the sale of said stock. The assets were the subject of a lawsuit by the Administrator against said attorney which resulted in a settlement and payment of the assets in cash directly to decedent's daughter, as well as a settlement of \$3,000.00 by said attorney/defendant. A claim and documentation was provided to the IRS by counsel herein which resulted in the refund of the taxes plus interest totaling approximately \$29,000.00 which was paid directly to the daughter by the IRS. Since assets were paid in cash directly to the daughter in the settlement, the Administrator sought a termination of the probate proceeding which was denied by the Court on 08/29/13. The Administrator paid the sole Creditor's Claim filed in the estate from her personal funds. Since the assets of the decedent were paid directly to the daughter in the settlement of the lawsuit and by the IRS as the decedent's sole heir, termination of the probate proceedings is sought without necessity of an Inventory &amp; Appraisal and formal Waiver of Accounting and Petition for Final Distribution.</p> <p><b>Status Report filed 11/06/13</b> states: A First &amp; Final Account was prepared and mailed to Administrator, Malkia Dillard, on 09/11/13. The documents have not yet been signed and returned to the attorney's office. The Administrator has indicated that she does not have sufficient funds to pay the \$435.00 filing fee. A fee waiver request has been sent to the Administrator to see if she qualifies for a fee waiver.</p>	
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<b>FTB Notice</b>			

Reviewed by: JF

Reviewed on: 11/05/13

Updates: 11/06/13

Recommendation:

File 4 – Gainous

**Probate Status Hearing Re: Failure to file Inventory and Appraisal and Failure to  
File First Account or Petition for Final Distribution**

<b>DOD: 3/21/2006</b>		<p><b>DURMIRNE HUGHES</b> was appointed as Administrator with Limited IAEA authority and without bond on 2/13/2007.</p> <p>Letters issued on 2/12/2007.</p> <p>Inventory and Appraisal was due on 7/12/2007.</p> <p>First account or Petition for Final Distribution was due 2/12/2008.</p> <p>Notice of Status Hearing was mailed to Attorney Nancy LeVan on 7/17/2013.</p> <p><b>Note:</b> At the time the petition for probate was filed the assets of the estate consisted of real property with an estimated value of \$200,000.00 and encumbrances of \$99,200.00. Since there is no inventory it is unclear if there were other assets. The beneficiaries of this estate are the petitioner and decedent's 5 other children. It appears that the Administrator has breached her fiduciary duty to administer the estate timely and now the property is being foreclosed upon. Probate Code §9601 states if a personal breaches a fiduciary duty, the personal representative is chargeable with any of the following that is appropriate under the circumstances: (1) any loss or depreciation in the value of the decedent estate resulting in the breach of fiduciary duty, with interest, (2) Any profit made by the personal representative through the breach of fiduciary duty, with interest, (3) Any profit that would have accrued to the decedent's estate if the loss of profit is a result of the breach of duty, (4) if the personal has acted reasonable and in good faith under the circumstances as known to the personal representative, the court, in its discretion may excuse the personal representative in whole or in part from liability, if it would be equitable to do so.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/13/13. Minute order indicates the house is being foreclosed on.</b></p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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<b>Reviewed by: KT</b>
<b>Reviewed on: 11/5/2013</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 5 - Hampton</b>

<b>DOD: 3/6/1999</b>		<p><b>SANDRA PEREZ</b> was appointed as Administrator with Will Annexed with Limited IAEA authority and without bond on 3/13/2007.</p> <p>Letters issued on 3/13/2007.</p> <p>Inventory and Appraisal filed on 7/7/08 showing an estate valued at \$72,000.00 consisting of real property.</p> <p><b>Status Report of Attorney Nancy LeVan filed on 9/5/2013</b> states numerous attempts to contact Ms. Perez failed. Correspondence sent to Ms. Perez was returned by the post office indicating Ms. Perez was no longer at that address and that the post office was unable to forward.</p> <p>Attorney LeVan states she advanced the publication fee, certified letters fee, and the probate referee fee, without reimbursement.</p> <p>Attorney LeVan has obtained information that the real property of the estate was foreclosed upon because of non-payment of the mortgage.</p> <p>Ms. LeVan states she has not had contact with Ms. Perez since July 31, 2009. Attorney LeVan is unaware of any other assets for the estate or how to contact Ms. Perez.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The Inventory and Appraisal shows the value of the real property at the date of death at \$72,000. The petition for probate indicated the property had \$6,581 in encumbrances. The property was sold at foreclosure in 2008 for \$47,500.00. The court may inquire if the Administrator received any proceeds from the foreclosure and what happened to them. The beneficiary of this estate is the decedent's grandson, Jose Angel Perez. It appears that the Administrator has breached her fiduciary duty to administer the estate timely. Probate Code §9601 states if a personal breaches a fiduciary duty, the personal representative is chargeable with any of the following that is appropriate under the circumstances: (1) any loss or depreciation in the value of the decedent estate resulting in the breach of fiduciary duty, with interest, (2) Any profit made by the personal representative through the breach of fiduciary duty, with interest, (3) Any profit that would have accrued to the decedent's estate if the loss of profit is a result of the breach of duty, (4) if the personal has acted reasonable and in good faith under the circumstances as known to the personal representative, the court, in its discretion may excuse the personal representative in whole or in part from liability, if it would be equitable to do so.</p>
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<b>Reviewed by: KT</b>
<b>Reviewed on: 11/5/2013</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 6 - Perez</b>

<b>DOD: 04/30/13</b>		<p><b>MARGUERITE HUGHES</b>, niece, was appointed Conservator of the Person and Estate with bond fixed at \$412,500.00 on 05/17/10. Letters of Conservatorship were issued on 09/15/10.</p> <p><b>Order settling First Account</b> was filed 09/26/12.</p> <p><b>Status Report</b> filed 05/16/13 notified the Court that the conservatee died on 04/30/13.</p> <p><b>Notice of Setting Hearing</b> filed 05/20/13 set this matter for status regarding filing the Final Account. <b>Clerk's Certificate of Mailing</b> indicates that the Notice of Setting Hearing was mailed to the conservator and her attorney on 05/20/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 09/20/13</b>  The Court notes that Dennis Watson, counsel of record is not present. Matter continued to 11/08/13. Dennis Watson is ordered to be personally present on 11/08/13 if the final account is not filed. Ms. LeVan advises the Court that she will attempt to contact Mr. Watson and inform him of the next hearing date.</p> <p>1. Need Final Account and Report of Conservator <u>or</u> Current status report.</p> <p><b>Clerk's Certificate of Mailing</b> filed 09/20/13 indicates that Dennis Watson was mailed a copy of the Minute Order from 09/20/13 on 09/20/13.</p>
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		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/05/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 – Peters</b></p>	

<b>DOD: 06/24/10</b>		<p><b>ROGER ROWELL</b> and <b>DAVID E. ROWELL</b>, were appointed as Co-Administrators with Full IAEA without bond on 02/17/11. Letters were issued on 02/17/11.</p> <p>On 10/21/11, <b>David E. Rowell</b> resigned as Co-Administrator. New Letters were issued to <b>Roger Rowell</b> as the sole Administrator on 11/01/11.</p> <p><b>Inventory &amp; Appraisal</b> filed 11/29/11 shows an estate value of \$289,000.00 (1/7<sup>th</sup> of a 40% interest in real property).</p> <p>On 10/17/12, Thomas Markeson, filed a <b>Motion to be Relieved as Counsel</b> stating that there was a conflict regarding the administration of the estate which has made it impossible for him to continue representing Mr. Rowell in this matter.</p> <p><b>Order granting Attorney's Motion to be Relived as Counsel</b> filed 11/26/12 relieved Mr. Markeson as counsel for Roger Rowell and set this matter for status re filing of the Accounting and Petition for Final Distribution. <b>The Court also directed counsel to provide notice to Mr. Rowell regarding the filing of the account and/or petition for final distribution.</b></p> <p><b>Notice of Entry of Order Granting Attorney's Motion to be Relieved as Counsel</b> filed 11/27/12 states that the Notice with a copy of the Order relieving Mr. Markeson as counsel was mailed to Roger Rowell and David Rowell on 11/27/12.</p> <p><b>Status Report</b> filed 10/23/13 states: The former administrator, Roger Rowell, has indicated that the heirs would like the real property and that he would pay all fees. Mr. Rowell further has stated that he was working with his accountant to clear up income tax issues and anticipated that it would take approximately 6 weeks to clear up income tax issues. Mr. Rowell now states that his CPA passed away and he is working with a different CPA and that due to the death of his previous CPA it will take additional time. In order for tax returns to be completed and allow the Public Administrator enough time to finalize the estate, it is requested that the next status hearing be scheduled no sooner than four months.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 06/14/13</b></u></p> <p>1. Need <b>Accounting and/or Petition for Distribution</b></p> <p><b>Note:</b> The court removed Roger and David Rowell as Co-Administrators on 02/08/13 and appointed the Public Guardian.</p> <p>Letters of Administration were issued to the Public Administrator on 03/01/13.</p>																																													
<p><b>Cont. from 121412, 020813, 031513, 061413</b></p> <table border="1"> <tr><td><b>Aff.Sub.Wit.</b></td><td></td></tr> <tr><td><b>Verified</b></td><td></td></tr> <tr><td><b>Inventory</b></td><td></td></tr> <tr><td><b>PTC</b></td><td></td></tr> <tr><td><b>Not.Cred.</b></td><td></td></tr> <tr><td><b>Notice of Hrg</b></td><td></td></tr> <tr><td><b>Aff.Mail</b></td><td></td></tr> <tr><td><b>Aff.Pub.</b></td><td></td></tr> <tr><td><b>Sp.Ntc.</b></td><td></td></tr> <tr><td><b>Pers.Serv.</b></td><td></td></tr> <tr><td><b>Conf. Screen</b></td><td></td></tr> <tr><td><b>Letters</b></td><td></td></tr> <tr><td><b>Duties/Supp</b></td><td></td></tr> <tr><td><b>Objections</b></td><td></td></tr> <tr><td><b>Video Receipt</b></td><td></td></tr> <tr><td><b>CI Report</b></td><td></td></tr> <tr><td><b>9202</b></td><td></td></tr> <tr><td><b>Order</b></td><td></td></tr> <tr><td><b>Aff. Posting</b></td><td></td></tr> <tr><td><b>Status Rpt</b></td><td></td></tr> <tr><td><b>UCCJEA</b></td><td></td></tr> <tr><td><b>Citation</b></td><td></td></tr> <tr><td><b>FTB Notice</b></td><td></td></tr> </table>			<b>Aff.Sub.Wit.</b>		<b>Verified</b>		<b>Inventory</b>		<b>PTC</b>		<b>Not.Cred.</b>		<b>Notice of Hrg</b>		<b>Aff.Mail</b>		<b>Aff.Pub.</b>		<b>Sp.Ntc.</b>		<b>Pers.Serv.</b>		<b>Conf. Screen</b>		<b>Letters</b>		<b>Duties/Supp</b>		<b>Objections</b>		<b>Video Receipt</b>		<b>CI Report</b>		<b>9202</b>		<b>Order</b>		<b>Aff. Posting</b>		<b>Status Rpt</b>		<b>UCCJEA</b>		<b>Citation</b>		<b>FTB Notice</b>	
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Atty Kruthers, Heather, of County Counsel's Office (for Public Administrator)

## Status Hearing Re: Filing of the First Account or Petition for Final Distribution

<b>DOD: 2/21/2009</b>		<p><b>MARGARET A. MIDKIFF</b>, daughter, was appointed Administrator with Limited IAEA authority without Bond on 3/15/2012. Letters issued on 3/29/2012.</p> <p><b>Declaration filed by Margaret A. Midkiff on 7/15/2013 requests</b> she be allowed to step down as Administrator and that the Public Administrator take over the case, due to her diagnosis of cancer and inability to complete the work of administration.</p> <p><b>Minute Order dated 8/16/2013 states</b> Margaret Midkiff's request to be removed as administrator due to illness is granted. The Court appoints the <b>PUBLIC ADMINISTRATOR</b> as the personal representative. Matter continued to 10/18/2013.</p> <p><b>Minute Order dated 10/18/2013 states</b> Counsel [Amanda Ruiz for the Public Administrator] is provided the following instructions:</p> <ol style="list-style-type: none"> <li>(1) Obtain bank information;</li> <li>(2) Obtain DMV information regarding the vehicles;</li> <li>(3) Obtain records regarding ownership of the house;</li> <li>(4) Obtain records regarding the Smith &amp; Barney accounts if applicable; and</li> <li>(5) Communicate with Margaret Midkiff regarding any other information she may have.</li> </ol> <p>The Court will expect to hear from Ms. Kruthers at the next hearing what has been done, and whether additional instructions are needed. Matter continued to 11/8/2013.</p> <p><b>Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 11/4/2013 states:</b></p> <ul style="list-style-type: none"> <li>• The Court is respectfully referred to the status report filed on 10/9/2013, which provided history and the basis of the Public Administrator's request for instructions [please see notes below];</li> <li>• At the hearing on 10/18/2013, Heather Kruthers of County Counsel's Office was not able to attend the hearing; another deputy having less knowledge about the case had to appear, and was unsure of what to request;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/18/2013.</b> (Please refer to center column for contents of Minute Order.)</p> <p><b>Note:</b> Partial No. 1 &amp; 2 Inventory and Appraisal filed 7/2/2012 shows property consisting of bank accounts, life insurance policy, mineral rights, real property, vehicles, and personal property items valued at <b>\$331,374.34</b>. Court records do not show a Final Inventory and Appraisal has been filed in this matter.</p> <p>1. Need final accounting and/or petition for final distribution pursuant to Probate Code § 1060, et seq., 10950 et seq., and 11000 et seq.</p>
<b>Cont. from 081613, 101813</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
✓	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 11/5/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 9 – Meisel</b>	

**Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 11/4/2013, continued:**

- The Court instructed the Public Administrator to gather bank statements and other information regarding the assets; he has done so to the extent he can within a short time period;
- The problem for the Public Administrator is not what assets there were or where they went;
- The question is what authority the estate has to recover assets from a spouse;
- It is alleged that Ms. Eugenia Meisel was the Decedent's care giver at one time; if so, Probate Code § 21350 would render any devise to her as an invalid donative transfer;
- However, she married the Decedent; twice, in fact;
- Therefore, the Public Administrator does not know how to characterize the transfer, and thus, does not know if he should seek to recover property or not;
- That is the instruction he needs from the Court.

**Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 10/9/2013 states:**

- No Letters have been issued to the Public Administrator because as of now, it is unclear if there are assets to be administered;
- According to Ms. Midkiff, the Decedent and **EUGENIA MEISEL** were married twice; the timeline she provided is as follows:
  - 3/18/1996: **EUGENIA ORONA** filed for divorce from her husband, **RICHARD ORONA**;
  - 7/29/1998: **EUGENIA** married the Decedent;
  - 11/9/2001: **EUGENIA** divorced the Decedent;
  - June 2002: **EUGENIA** remarried her ex-husband, **RICHARD ORONA**;
  - 11/4/2006: **EUGENIA** divorced her ex-husband, **RICHARD ORONA**;
  - 11/7/2006: **EUGENIA** remarried the Decedent.
- The Court is respectfully referred to the declarations of Margaret Midkiff and Eugenia Meisel filed on 7/2/2012 and 8/15/2012 [please see notes below]; there are also comments regarding some of the assets on the *Inventory and Appraisal* that was filed on 7/2/2012;
- The Court is respectfully referred to the declarations of Margaret Midkiff and Eugenia Meisel filed on 7/2/2012 and 8/15/2012 [please see below]; there are also comments regarding some of the assets on the *Inventory and Appraisal* that was filed on 7/2/2012;
- The Public Administrator was appointed presumably to close the estate; however, he is unsure of how to do so given the accusations by each party;
- The Decedent was 58 when he first married Eugenia, so an elder abuse claim does not seem applicable;
- There is also no allegation that he was a dependent adult; however, Ms. Midkiff makes an argument that he was suffering from Alzheimer's by then;
- The Decedent remarried Eugenia at age 66; throughout their years together, Ms. Midkiff alleges that Eugenia was taking real and personal property; she says that Eugenia was even taking trust property that was never meant to be touched;
- The Public Administrator, and particularly his attorney, are reticent to continue asking the Court for instructions, but there is not a clear answer regarding what he should do in this case;
- The Decedent was not an elderly adult at the time he first married Eugenia; when she was given property, as alleged by her, they were married;
- Thus, the first reaction would be that there are little or no assets; however, the allegation of financial abuse/misappropriation and of a diagnosis of Alzheimer's may make this case unique;
- The Public Administrator has no choice but to request guidance from the Court about the next steps to be taken toward closing this estate;
- It is unclear how long of a continuance will be necessary pending the direction of the Court.

**Declaration filed by EUGENIA ORONA MEISEL, spouse, on 8/15/2012 states:**

- With respect to the *Inventory and Appraisal* No. 1, which she just received from Margaret Midkiff, her husband, David Meisel, did not have any assets as listed;
- David Meisel's last Social Security payment, that was deposited directly into their joint account, was taken out by Social Security;
- As to items number 5 and 6 for the IRA Distributions and pensions and Annuities, it is unclear how these amounts were determined by Margaret Midkiff; she cannot verify that these amounts are correct; as far as she knows, there was no money for IRA or any pensions or annuities;
- As far as the Montana property, she spoke with Mark Pyrex, who informed her that he handled the property sale for her husband, and he will verify that she had nothing to do with the sale;
- As to the *Inventory and Appraisal* Attachment No. 2, she does not know how the value was calculated; most of these items were lost in the fire at their home, except for David's hats, money clip, buckle, one watch, Marine necklace and a Marine ring; new furniture was purchased with community funds after the fire.

**Declaration filed by MARGARET A. MIDKIFF, daughter, on 7/2/2012 states:**

- On 1/29/2010, she asked Eugenia Orona if her dad had a will, and Eugenia told her "There is no will, there is nothing."
- David Meisel worked for the IRS until 2/2008, when he got lost going to work; her dad was not officially diagnosed with Alzheimer's Disease until 5/15/2008; her dad was admitted the last month of his life into Kaiser Permanente Hospital, and he died from Sepsis syndrome as a result of a urinary tract infection left untreated in the hospital; Eugenia Orona said her dad dies from Alzheimer's Disease; they found out the real cause of his death after obtaining an official copy of the death certificate;
- Eugenia Orona cancelled her dad's medical insurance policy in 6/2008 because she said that they could not afford the monthly insurance payment; at that time, her dad was receiving monthly social security benefits of **\$1,858.00**, her dad had two Smith & Barney accounts, a Money Market account of **\$48,890.13**, and retirement account of **\$42,703.78**, in addition to her dad's home that was free and clear with no monthly mortgage payment;
- Her dad had a safe deposit box that was emptied and closed by Eugenia Orona sometime before her dad's death, and she is the only one that knows what was in the safe deposit box in Sanger, CA;
- Eugenia Orona has the mineral rights agreement from the on their family property in Montana that is in a Trust, with a Trust bank account at Bank of America; this has been confirmed with her dad's CPA, and on her dad's tax returns; there is not income every year because the income that is received on the mineral rights is based on actual drilling that takes place that year, and is not a consistent amount every year;
- David Meisel's name was taken off of his home on 3/12/2008, and put into Eugenia Orona's name and then Eugenia Orona put the home in her son's name, **RICHARD ORONA, JR.** on 9/3/2008;
- David Meisel's name was taken off his vehicle title in 6/2008 (vehicles he owned were 1997 Ford and 2007 GMC), and put into Eugenia Orona's son's name, **RICHARD ORONA, JR.**;
- David Meisel married Eugenia Orona on 11/8/2006; David Meisel filed for divorce 7/2/2008 and then filed to have the divorce dismissed on 9/16/2008;

~Please see additional page~

***Declaration filed by MARGARET A. MIDKIFF, daughter, on 7/2/2012, continued:***

- She (Margaret Midkiff) arranged for a Marine Military Honor Detail for her dad's burial with the Sanger Marine Chapter; Eugenia Orona promised to send the flag he was buried with to me, but she never did;
- After David Meisel's death, Eugenia Orona stated on 7/28/2010, witness by Officer Reinhart at the Sanger Police Department, stated that Eugenia had filed a lawsuit for wrongful death against Kaiser Permanente, after he died; she asked Eugenia what happened, and Eugenia refused to explain to her;
- David Meisel originally purchased his home in Sanger on 5/7/1999, then in 7/2002 his home completely burned to the ground; he was able to rebuild his home through a payout from proceeds of the Allstate insurance policy along with proceeds from PGE payout because the fire was caused by a wire that dropped on his roof and the power to the wire could not be turned off for 1 ½ hours; David Meisel was a single man at that time;
- Eugenia Orona put her father's headstone on his grave 1 ½ years after his death, and would not allow any of his children to purchase a headstone for his grave; finally, when she put a headstone on his grave, it is a little marker that says "David Meisel, Marine Corps, 4/30/1940 to 2/21/2009, Eugenia Orona 7/20/1951 to ....."
- Eugenia Orona didn't include "Beloved Husband, Father & Grandfather, He will be missed;" nothing endearing or acknowledging that he was more than a name, that he had 5 children who loved him and miss him so much!

<b>DOD:12-10-10</b>		<b>LAWRENCE M. LOWE</b> , Son, was appointed Executor with Full IAEA without bond and Letters issued 6-2-11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 7-26-13, 10-11-13</b>  <b>Note: Status Report filed 10/09/13 states the First &amp; Final Account and Report of Executor is currently being prepared and should be on file within the next 3-4 weeks.</b>  <b>As of 11/05/13, nothing further has been filed.</b>  <b>Note: Heirs include:</b> <ul style="list-style-type: none"> <li>• Lawrence M. Lowe (Son and Executor),</li> <li>• Lawrence M. Lowe, as trustee of testamentary trust fbo Sharon Oniwa, (Daughter),</li> <li>• Dori Ann Kawai and Darold Oniwa (Grandchildren) (specific bequests).</li> </ul>
		<b>I&amp;A filed 3-6-13</b> reflected a total estate value of \$765,111.17. <b>Supplemental I&amp;A</b> indicates an additional \$6,000.00 for a total estate value of \$771,111.17	
<b>Con from 072613, 101113</b>		Upon filing of the I&A and review of the file, it was determined that a first account or petition for final distribution was due; therefore, on 3-18-13, the Court set a status hearing for failure to file a first account or petition for final distribution for 6-28-13 and sent notice to Attorney Fanucchi.	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>	X	<b>A status report filed by Attorney Fanucchi on 6-26-13 stated</b> that the executor had advised the decedent's granddaughter that a specific bequest of jewelry to her was stolen from his home; however, the attorney was not advised of this fact until contacted by the granddaughter. There were also specific bequests of \$10,000.00 each to the decedent's two grandchildren which have not been made after procedures under probate code have been followed by counsel. Counsel is unable to prepare a final accounting without the documentation requested, and counsel has had no contact from the executor or response to multiple requests, other than to be advised that he has not been able to obtain, or the bank made a mistake, or other reasons. Counsel has no information on current status of disbursements, receipts, balances, or location of assets.	
<b>Inventory</b>			
<b>PTC</b>		<b>Minute Order 6-28-13:</b> Mr. Fanucchi informs the Court that Dr. Woo is planning on filing petition to be successor executor. Mr. Lowe is ordered to appear on 7/26/13. Order to show cause issued Re: failure to appear and failure to act as executor. Sanctions of \$1000.00. The Court will consider a surcharge of any loss assets not protected while he has been executor. Set on: 7/26/13 at 9 am in Dept. 303 for: Filing Petition for Successor Executor.	
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>		<b>On 7-22-13, Executor Lawrence Lowe filed a verified status report stating</b> that the jewelry has been delivered for appraisal, and that the turmoil in the case and the thoughts about removing the executor have settled down, the Executor is in full compliance with the instructions of his attorney, and the case is moving along swiftly. Executor does not recall any notice to be present at the last hearing, but will be present on 7-26-13. It is anticipated that the above matters will be completed and final accounting filed within the next month.	
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>		<b>Supp I&amp;A was filed 7-30-13. Status Report filed 10/09/13 states Executor's First &amp; Final Account is being prepared and should be filed in the next 3-4 weeks.</b>	
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
✓ <b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

<b>DOD: 11/18/2010</b>		<b>BEVERLY T. ADAMS</b> , spouse, was appointed Executor with full IAEA authority without bond on 06/25/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 06/28/2012.	<b>Minute Order of 07/26/2013: Matter continued at the request of counsel.</b>
<b>Cont. from 072613</b>		<b>Declaration of Philip M. Flanigan and Status Report filed 10/31/2013</b> states Beverly T. Adams needed to be appointed as Personal Representative of her late husband's estate in order to file a lawsuit on his behalf. A settlement or judgment in the litigation has not been reached. A trial date has been set for August 15 <sup>th</sup> , 2014. After the hearing the Personal Representative will file and Inventory and Appraisal at that time if it is needed.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>	<b>Reviewed by: LV</b> <b>Reviewed on: 11/05/2013</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 11 – Adams</b>	
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>DOD: 3/31/2010</b>		<p><b>JOSPEH W. MARTIN</b> was appointed Administrator with full IAEA authority and without bond on 3/28/2013.</p> <p>Letters issued on 3/29/2013.</p> <p>Inventory and Appraisal, part 1, was filed on 3/26/2013 showing a value of \$95,000.00</p> <p>Inventory and Appraisal, supplemental, was filed on 5/7/13 showing a value of \$24,123.74</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>Minute Order dated 09/27/2013 set this status hearing for the filing of the petition for final distribution, however, it appears it was set in error and this matter should be taken off calendar.</b></u></p> <p><u><b>Note:</b></u> Status Hearing for the Filing of the Petition for Final Distribution should be heard on 05/30/2014.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
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<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<div>Reviewed by: LV</div> <div>Reviewed on: 11/05/2013</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 12 – Martin</div>	

DOD: 9/1/2012		<b>JULIE RAVISCIONI</b> was appointed as Administrator with full IAEA authority and without bond on 5/15/2013.  Letters issued on 5/16/2013.  Inventory and appraisal was due 10/16/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Inventory and Appraisal filed on 11/6/13.
Cont. from 101813			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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Letters			
Duties/Supp			
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Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 11/5/13
Updates:
Recommendation:
File 13 – Dupree



DOD: 11/26/2012		<p>BETTY PHILLIPS and ROSE LEE LITTLE were appointed Executors with full IAEA and without bond on 6/11/2013.</p> <p>Letters issued on 6/11/2013.</p> <p>Inventory and appraisal is now due.</p> <p>Minute order dated 6/11/2013 set this status hearing for the filing of the inventory and appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <b>final inventory and appraisal</b> or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT Reviewed on: 11/5/2013 Updates: Recommendation: File 14 – Kiramidjian	

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 8/29/2001	SARAH LOPEZ LOPEZ was appointed Executor with full IAEA authority and without bond on 6/25/2002.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Letters issued 6/25/2002.	
Aff.Sub.Wit.	I & A filed on 12/26/2002 showing the estate valued at \$157,395.49.	
Verified		
Inventory		
PTC	First account or petition for final distribution was due 6/25/2003.	
Not.Cred.		
Notice of Hrg	<b>Status Report of Executor filed on 10/30/2013</b> states sometime in 2005, counsel's files for the estate were inadvertently placed in a box of closed files and taken to counsel's storage unit not located at counsel's office. Counsel had no contact with the Executor after July 12, 2005. Counsel was unaware that the estate had not closed until he received the Notice of Status Hearing from the Court. Counsel sincerely apologizes to the Court, the Executor and all interested parties for his failure to complete his professional duties required to close the estate in a timely manner.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Counsel has met with Sarah Lopez Lopez regarding the status hearing and need to close the estate. Ms. Lopez believed the estate had been closed for several years.	
9202		Reviewed by: KT
Order		Reviewed on: 11/5/13
Aff. Posting		Updates:
Status Rpt		Recommendation:
UCCJEA	Counsel has contacted the Law Offices of Joanne Sanoian to assist him and the Executor in settling the estate. Counsel anticipates the Final Account and Report of Executor can be filed by January 15, 2014.	File 15 – Nelson
Citation		
FTB Notice		

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

<b>DOD: 2/23/2002</b>		<b>RUTH RATZLAFF</b> was appointed as Executor with full IAEA authority and without bond on 7/23/2002.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Inventory and appraisal filed on 10/11/2002 showing and estate valued at \$58,535.48, of which 48,149.26 was cash.	1. Need First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>		First account or petition for final distribution was due 7/23/2003.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Notice of Status Hearing was mailed to attorney Catherine Sharbaugh on 9/11/13.	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	<b>Note:</b> The beneficiaries of this estate are several charities; Nature Conservancy, Fresno Zoological Society, Children's International, Saint Labre Indian School, Poverello House and St. Agnes Hospice.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
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<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<input type="checkbox"/>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/5/2013</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 16 – Bruce</b>

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and Failure  
 to File a First Account or Petition for Final Distribution

DOD: 3-12-02		<p><b>DELORES ANN EVANS</b>, Daughter-in-law, was appointed as Executor with Full IAEA without bond and Letters issued on 5-21-02.</p> <p>Nothing further was filed.</p> <p>On 9-11-13, the Court set this status hearing for failure to file Inventory and Appraisal and Failure to File First Account or Petition for Final Distribution.</p> <p>Notice of Status Hearing was mailed to Delores Ann Evans on 9-11-13.</p> <p><b>Note:</b> The original petition for probate filed 4-12-02 estimated real property valued at \$150,000.00.</p> <p><b>Note:</b> Decedent's will devises the estate to Delores Evans and two grandchildren Julie Ann Smith and Michael T. Evans.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>Examiner's Note:</b></u>  <i>It appears from Court records that the Executor Delores Ann Evans passed away in 2009. The attorney Stanton Levy has also passed away.</i></p> <p><i>It appears that Julie Ann Smith was the Executor of the Estate of Delores Ann Evans in 09CEPR00563 (represented by Attorney Maurice Joy), which estate was closed and distributed in 2010.</i></p> <p>1. This estate remains open and needs to be closed. The Court may require petition by an interested person or may refer to Public Administrator.</p>
Aff.Sub.Wit.			
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Video Receipt			
CI Report			
9202			
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UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 11-5-13	
		Updates:	
		Recommendation:	
		File 17 – Evans	

Probate Status Hearing Re: Increase in Bond Based on the Value of the Estate as  
 Shown on the Inventory and Appraisal

DOD:9-7-12		<p><b>MICHELE R. CURLEY</b>, Daughter, was appointed Administrator with Full IAEA with bond of \$30,000.00 on 11-7-12. Bond was filed and Letters issued on 1-22-13.</p> <p>On 10-11-13, a status hearing was held re: filing of the Inventory and Appraisal. The matter was continued to 11-8-13.</p> <p>Final Inventory and Appraisal filed 10-15-13 indicates a total estate value of \$110,367.38 (\$43,367.38 cash plus real and personal property)</p> <p>Upon review of the I&amp;A, the Court set this status hearing for increased bond based on the value of the I&amp;A.</p> <p>Notice of Status Hearing was mailed to Attorney Richard Hemb on 10-16-13.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need increased bond per Probate Code §8482 and Cal. Rules of Court 7.204.</b>  <b>Cal. Rules of Court 7.204:</b> Immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond.  <b>Note: A status hearing regarding the filing of the petition for final distribution (Probate Code 12200) is set for 1-10-14.</b>
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 11-5-13
Updates:
Recommendation:
File 18 – Martinez